

Notice of Allowability

Application No.

09/726,111

Examiner

Qamrun Nahar

Applicant(s)

BOURKE-DUNPHY ET AL.

Art Unit

2191

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed on 08/15/2006.
2. ☒ The allowed claim(s) is/are 1-19, 21, 24, 26-28, 30-31, 33-35, 37 and 40-48, renumbered 1-39.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date 06/22/2006
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

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DETAILED ACTION

1. This action is in response to the amendment filed on 08/15/2006.
2. The rejection under 35 U.S.C. 103(a) as being unpatentable over Jones (U.S. 5,666,501) in view of Curtis (U.S. 6,374,401) to claims 1-40, 42 and 45-48 is withdrawn in view of applicant's amendment and remarks/arguments.
3. The rejection under 35 U.S.C. 103(a) as being unpatentable over Jones (U.S. 5,666,501) in view of Curtis (U.S. 6,374,401), and further in view of Kenner (U.S. 6,314,565) to claims 41, 43 and 44 is withdrawn in view of applicant's amendment and remarks/arguments.
4. Claims 20, 22-23, 25, 29, 32, 36 and 38 have been canceled.
5. Claims 1, 14, 21, 28, 35, 39 and 40 have been amended.
6. Claim 39 has been canceled (see Examiner's Amendment below).
7. Claims 1, 14, 21, 24, 26, 28, 30, 33, 35, 37 and 40-48 have been amended (see Examiner's Amendment below).
8. Claims 1-19, 21, 24, 26-28, 30-31, 33-35, 37 and 40-48 are pending.
9. Claims 1-19, 21, 24, 26-28, 30-31, 33-35, 37 and 40-48 are allowed, renumbered 1-39.

EXAMINER'S AMENDMENT

10. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

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Authorization for this examiner's amendment was given in a telephone interview with Marisa Joy Zink (Reg. No. 48,064) on 10/18/06.

The application has been amended as follows:

In the Claims:

Please cancel claim 39 and

please amend claims 1, 14, 21, 24, 26, 28, 30, 33, 35, 37 and 40-48 as follows:

Claim 1 (Currently amended),

At line 1, after "software tool" insert on a computer system

At line 11, before "computer system" insert server

At line 12, before "number", delete [the] and insert a

At line 12, before "user", delete [a] and insert the

At line 14, after "user", delete [commands] and insert command

At line 14, before "setup prompts" insert plurality of

Claim 14 (Currently amended),

At line 1, after "software setup tool" insert on a computer system

At line 11, before "number", delete [the] and insert a

At line 11, before "user", delete [a] and insert the

At line 13, before "setup operation", delete [a] and insert the

Claim 21 (Currently amended),

At line 11, before “number”, delete [the] and insert a

At line 11, before “user”, delete [a] and insert the

At line 13, after “according to the at least one setup”, delete [parameters] and insert
parameter

Claim 24 (Currently amended),

At line 1, after “claim”, delete [23] and insert 21

Claim 26 (Currently amended),

At line 1, after “claim”, delete [25] and insert 21

Claim 28 (Currently amended),

At line 2, after “system” insert , the computer-readable medium comprising computer-executable instructions for

At line 6, after “substitute setup prompt” insert according to the attribute

At line 11, before “number”, delete [the] and insert a

At line 11, before “user”, delete [a] and insert the

At line 13, after “according to the at least one setup”, delete [parameters] and insert
parameter

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Claim 30 (Currently amended),

At line 1, after “claim”, delete [29] and insert 28

Claim 33 (Currently amended),

At line 1, after “claim”, delete [32] and insert 28

Claim 35 (Currently amended),

At line 1, after “software tool” insert on a computer system

At line 6, after “substitute setup prompt” insert according to the attribute

At line 11, before “number”, delete [the] and insert a

At line 11, before “user”, delete [a] and insert the

At line 13, after “performing”, delete [a] and insert the

At line 13, after “according to the at least one setup”, delete [parameters] and insert parameter

Claim 37 (Currently amended),

At line 1, after “claim”, delete [36] and insert 35

39. (Canceled)

Claim 40 (Currently amended),

At line 1, before “system” insert computer

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At line 11, before “number”, delete [the] and insert a

At line 14, after “one” insert of the

Claim 41 (Currently amended),

At line 1, before “system” insert computer

Claim 42 (Currently amended),

At line 1, before “system of claim” insert computer

Claim 43 (Currently amended),

At line 1, before “system” insert computer

Claim 44 (Currently amended),

At line 1, before “system” insert computer

Claim 45 (Currently amended),

At line 1, before “system” insert computer

Claim 46 (Currently amended),

At line 1, before “system” insert computer

Claim 47 (Currently amended),

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At line 1, before "system" insert computer

Claim 48 (Currently amended).

At line 1, before "system" insert computer

- END -

REASONS FOR ALLOWANCE

11. The following is an examiner's statement of reasons for allowance:

The cited prior art taken alone or in combination fail to teach, in combination with the other claimed limitations, a prompt counter that tracks a number of setup prompts provided to the user until a maximum prompt value has been exceeded, once the maximum prompt value has been reached, a setup operation is performed according to the user command obtained from the plurality of setup prompts as substantially recited in independent claims 1, 14 and 40; and further fail to teach tracking a number of setup prompts provided to the user until a maximum prompt value has been exceeded; and performing at least one setup operation according to the at least one setup parameter obtained from the plurality of setup prompts once the maximum prompt value has been reached as substantially recited in independent claims 21, 28 and 35.

The closest cited prior arts, the combination of Jones (U.S. 5,666,501) and Curtis (U.S. 6,374,401) teaches a method of performing a setup operation on a computer system. However, the combination of Jones (U.S. 5,666,501) and Curtis (U.S. 6,374,401) fails to teach a prompt counter that tracks a number of setup prompts provided to the user until a maximum prompt

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value has been exceeded, once the maximum prompt value has been reached, a setup operation is performed according to the user command obtained from the plurality of setup prompts as substantially recited in independent claims 1, 14 and 40; and further fail to teach tracking a number of setup prompts provided to the user until a maximum prompt value has been exceeded; and performing at least one setup operation according to the at least one setup parameter obtained from the plurality of setup prompts once the maximum prompt value has been reached as substantially recited in independent claims 21, 28 and 35; and as pointed out by the applicant's remarks/arguments on pg. 12, par. 1 to pg. 14, par. 4.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

12. Any inquiry concerning this communication from the examiner should be directed to Qamrun Nahar whose telephone number is (571) 272-3730. The examiner can normally be reached on Mondays through Fridays from 9:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wei Y Zhen, can be reached on (571) 272-3708. The fax phone number for the organization where this application or processing is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the TC 2100 Group receptionist whose telephone number is 571-272-2100.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Qamrun Nahar
October 27, 2006



WEI ZHEN
SUPERVISORY PATENT EXAMINER